IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY NINETH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO: 18798 of 2004

Between:

1 Degala Latchiyyababu, S/o Ramulu,
Lankalapalem, Anakapalli, Visakhapatnam
2 Degala Satyanarayana, S/o Appa Rao,
Sri Sai Laxmi Medical and General Systems, D.No.10-7-38, Near Konda

Master Shool, Peddi Raju Peta Street, Anakapalli, Visakhapatnam.

... PETITIONERS

AND

1 The District Collector, Visakhapatnam District.
2 The Land Acquisition Ofifcer and Special Deputy Collector (LA), APIIC,

Visakhapatnam.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, Order or Direction more especially one in the nature of Writ of Mandamus i) directing the respondents to deposit the amount of compensation under Section 31(2) of Land Acquisition Act, awarded in the Award No.5/96 dated 24-02-96 of the Land Acquisition Officer and Special Deputy Collector (LA) A.P.I.I.C., Visakhapatnam with a reference to the Sub Court, Anakapalle under Section 30 of the Land Acquisition Act for proper adjudication of the matter immediately ii) to award costs of this writ petition and iii) pass such other order or orders as this Hon'ble Court deems fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.P.SRI RAGHU RAM

Counsel for the Respondents: GP FOR REVENUE

The Court, at the admission stage, made the following:

ORDER:

Heard the learned counsel for the petitioners and also the learned Government Pleader for Revenue appearing for the respondents.

2. The gravamen of the complaint in this writ petition is that the Land Acquisition Officer, after passing an award and referring the matter to the Civil Court under Section 30 of the Land Acquisition Act (for short 'the Act'), informed the petitioner that the amounts were deposited in the Civil Court where reference will be made under Section 30 of the Act, but so far, no such reference was made. It is the case of the petitioners that the alleged claimants who claimed compensation, entered into a compromise with them in O.S.No.187 of 1991 on the file of the Principal Junior Civil Judge, Anakapalli, dated 27-07-1999, which was earlier filed for reference, but they have not paid the amount. Since the reference has not been numbered, they are prevented from withdrawing the compensation in the light of the compromise so entered.

3. Learned Government Pleader, on instructions, submits that immediately on passing the award on 24-02-1996, amount was deposited to the Sub Court and the matter was referred under Section 30 of the Act, but the said papers were misplaced and the Court directed for substitution of the same. Accordingly necessary papers were substituted n O.P. (Sr.) No. 1079 of 2004 on the file of the Court of the Senior Civil Judge, Anakapalli. In view of the same, petitioner can approach the competent Civil Court and pursue the matter.

The writ petition is accordingly disposed of. No costs.

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A. **GOPAL REDDY, J**

October 29, 2004

MRR

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To:

1 The District Collector, Visakhapatnam District.
2 The Land Acquisition Ofifcer and Special Deputy Collector (LA), APIIC,

Visakhapatnam.

3 Two C.C. s to the G.P. for Revenue, High Court Buildings, Hyderabad (OUT)

4 Two C.D. Copies.